

## CHAPTER 18

### CONDITIONAL USES

10-18-1: **PURPOSE:** The purpose of this chapter is to establish standards for certain land uses which, because of their unique characteristics or potential impacts on the county, surrounding residential neighborhoods, or other adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required which mitigate or eliminate the detrimental impacts. The standards for the issuance of a conditional use permit are established to ensure compatibility with surrounding land uses, conformity with the Washington County general plan, consistency with the characteristics and purposes stated for the zone, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare. (Ord. 2008-955-O, 2-19-2008)

10-18-2: **PERMIT REQUIRED:** An approved conditional use permit shall be required for each conditional use listed in this title. No building permit or other permit or license shall be issued for a use requiring conditional use approval until a conditional use permit shall first have been approved by the planning commission. (Ord. 2008-955-O, 2-19-2008)

10-18-3: **APPLICATION PROCESS:** Application for a conditional use permit shall be made at the office of the planning commission in the same manner as a request for a zone change, subdivision review or other similar planning request. (Ord. 2008-955-O, 2-19-2008)

10-18-4: **APPLICATION FEE:** The conditional use permit application shall be accompanied by a filing fee in an amount as may be established by the county commission from time to time. (Ord. 2008-955-O, 2-19-2008)

10-18-5: **DEVELOPMENT PLAN:**

- A. The applicant for a conditional use permit shall prepare a site plan and elevations (as may be necessary) for the site development proposed to be developed. The plan shall be drawn to scale and shall show all existing and proposed buildings, fences, general landscape layout, automobile circulation and parking, loading areas, garbage collection areas, lighting, signs, topographic maps for irregular land, soils reports, vicinity map, drainage plan and any other information that the planning department may deem necessary to properly consider the application.
- B. The planning commission will not consider the conditional use permit without the preparation and submission of an accurate and complete development plan. (Ord. 2008-955-O, 2-19-2008)
- C. Meeting To Be Scheduled; Notice:

**The applicant will post in an easily accessible, conspicuous location on the property of the proposed conditional use, a notice seven (7) days prior to the meeting. The sign shall be two sided, viewed coming and going for inspection by the public to contact the Planning Office on the proposed use or access the Washington County Web site for information. The notice will be posted in such a manner as to be legible through the date of the meeting, being like a Real Estate sign, not less than 18" x 24" or does not exceed thirty two (32) square feet as referenced in County Code 10-19-3.A.3 Temporary Sign.**

- (a) A copy of template for the notice and instruction will be provided by staff.
- (b) Proof of posting property by submitting a photograph will be required for the staff meeting held one week preceding the meeting date.
- (c) Removal of the notice by the applicant shall be within ten (10) days after the land use authority meeting.

10-18-6: **PLANNING COMMISSION ACTION:**

- A. Conditional Use Standards Of Review: When the planning commission acts under its power to hear and decide applications for conditional uses, the conditional use shall be approved if reasonable conditions are proposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards as set forth below. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

The planning commission shall make its decision based upon the facts presented for the record. Expressions of support or opposition shall not constitute the basis of approval or denial.

1. General Review Standards: An applicant for a conditional use in the zone must demonstrate:

a. The use complies with all applicable provisions of Washington County ordinances, state and federal law;

b. The use is not detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A proposed use shall be considered detrimental:

(1) If it will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar unreasonable risks;  
or

(2) If it will unreasonably interfere with the lawful use of surrounding property;

c. The use is consistent with the characteristics and purposes stated in the general plan, as amended;

d. The use is consistent with the characteristics and purposes stated for the zone;

e. Site plan review:

- (1) Traffic safety conditions are not adversely affected by the use. The existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets shall be reviewed;
- (2) Utility capacity is adequate;
- (3) Emergency access is adequate;
- (4) The location and design of parking both on site and off street is adequate;
- (5) A plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses is adequate;
- (6) Exterior lighting is adequate and does not unduly disturb the surrounding area;
- (7) Signage is adequate and in compliance with [title 10, chapter 19](#) of this code;

f. Requirements for the management and maintenance of facilities is adequate;

g. The use shall not result in a situation which will create a need for essential services which cannot be reasonably met by local service providers, including roads and access for emergency vehicles and residents; fire protection; police protection; schools and school busing; drinkable water; sewer; storm drainage; and garbage removal.

2. Specific Review Standards For Certain Conditional Uses: In addition to the general standards of review above, the applicant must also demonstrate compliance with each of the following standards for each of the following conditional uses.

Gravel pit or mining operations.

a. Noise and dust pollution shall not negatively impact surrounding uses in existence at the time the conditional use is approved by the county commission.

b. Road ingress and egress are sufficient to allow safe travel for vehicle and pedestrians surrounding the conditional use.

c. The hours of operation for crushing, processing or hauling aggregate do not significantly negatively impact surrounding uses in existence at the time the conditional use is granted. There may be restrictions on the hours of operation and roads available for the conditional use in areas where there are schools or residences in close proximity to the operation.

d. A plan for reclamation of land that complies with all applicable provisions of Washington County ordinances, state and federal law. (Ord. 2008-955-O, 2-19-2008)

10-18-7: **COUNTY COMMISSION ACTION:** Any person adversely affected by any decision of the planning commission may petition the county commission for a review of the decision. Any petition to the county commission shall be filed within thirty (30) days after the planning commission decision is final. (Ord. 2008-955-O, 2-19-2008)

10-18-8: **TIME LIMITATION:** A conditional use permit shall be good for one year after approval. If at the end of one year, construction has not been started, the conditional use permit shall become null and void unless a request is made for extension by the applicant. In granting any request for extension, the planning commission shall find that substantial work shall have been accomplished toward its completion or that through no fault of the applicant, it has been impossible to diligently pursue the completion of the application. Extensions may be granted for periods of time not to exceed one year at each extension. Once completed, the permit shall require no further renewal unless stipulated by the planning commission. (Ord. 2008-955-O, 2-19-2008)

10-18-9: **APPROVAL OF PLANS AND INSPECTION:** Upon approval of plans by the county, a copy of the approved plan shall be placed on file in the office of the planning department. The building inspector shall inspect the conditional use site during the course of construction and shall ensure that the development on site complies with the conditions of the use permit as on file in the planning department. (Ord. 2008-955-O, 2-19-2008)

10-18-10: **AMENDMENT OR MODIFICATION OF CONDITIONAL USE:** Once granted, a conditional use shall not be enlarged, changed, extended, increased in density or relocated unless a new conditional use application is made and approved by the planning commission, except as provided below:

- A. Modification to an approved conditional use permit may only be granted when it can be determined that such changes or modifications are necessary to accommodate special circumstances related to the location or implementation of the approved conditional use, and where such modifications are found to be so insignificant and minor so as not to measurably change the approved conditional use permit or the intent of conditions that may have been imposed. The request for the modification or amendment shall be made in writing and documented on the site plan of the project.
- B. Planning staff may review and approve the modification or amendments that are insignificant and minor, but if the modification or amendment significantly changes the conditional use, a new conditional use application shall be filed and approved by the planning commission. (Ord. 2008-955-O, 2-19-2008)

10-18-11: **REVOCATION:** A conditional use permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit and the applicant shall be so notified of revocation by the county. The permit may be reinstated upon

determination by the planning commission that the cause for revocation has been corrected and that the applicant intends to complete the project according to the plan approved by the planning commission at the time the permit was originally issued, or as it might have been properly amended by the planning commission from time to time during construction of the conditional use. (Ord. 2008-955-O, 2-19-2008)